Scotland vol 7.

7

The Act
OF THE
PARLIAMENT
OF
Scotland,
For the Security of the
KINGDOM.

As it is Voted, and Paſt in this preſent Parliament,
and lies ready for the Royal Aſſent.

WITH

A Short Account of it, and ſome few Remarks.

Qui utitur jure Suo, Nemini facit Injuriam.
Reg. Jur.

London, Printed in the Year 1703. 13 July

The Act

OF THE

PARLIAMENT

OF

Scotland,

For the Security of the

KINGDOM.

As it is Voted, and Paſt in this preſent Parliament, and lies ready for the Royal Aſſent.

WITH

A Short Account of it, and ſome few Remarks.

Qui utitur Jure Suo, Nemini facit Injuriam.

Reg. Jur.

London, Printed in the Year 1703.

[illegible] 1704 [illegible] 3 A 30

The ACT for Security of the Kingdom

13 Jul[illegible]

[illegible] 5 August 1704 passed the Royal [illegible]

OUR SOVEREIGN LADY, The Queen's Majeſty, with Advice and Conſent of the Eſtates of Parliament doth hereby Statute and Ordain, That in the Event of her Majeſties Death, or of the Death of any of Her Majeſties Heirs or Succeſſors, Kings or Queens of this Realm; This preſent Parliament, or any other Parliament, that ſhall be then in being, ſhall not be diſſolved by the ſaid Death; but ſhall, and is hereby Required and Ordained, if Aſſembled, to ſit and Act in manner after mentioned, notwithſtanding of the ſaid Death: And if the ſaid Parliament ſhall be under Adjournment the time of the ſaid Death, it ſhall notwithſtanding meet at *Edinburgh* precisely the twentieth Day after the Death aforeſaid, excluding the Day of the Death, whether the Day of the ſaid Adjournment be ſooner or later. 2 And it is further Statuted and Ordained, That in caſe there ſhall be no Parliament in being at the time of the ſaid Death, Then the Eſtates or Members of the laſt preceeding Parliament, without regard to any Parliament that may poſſibly be indicted, but never Met nor Conſtituted, ſhall meet at *Edinburg* on the twentieth Day after the ſaid Death, the Day thereof excluded. 3 And further, providing, That in all, or any of the ſaid Caſes, if there ſhall happen to be any vacancy of a Member, by reaſon of Death or Promotion, the Barons or Burghs concerned, ſhall have power to chooſe, and to ſupply the ſaid Vacancy, in the accuſtomed manner. As likewiſe, 4 That in all, or any of the ſaid Caſes, no Perſon who hath been, or ſhall be then Papiſt, and hath not purged himſelf of Popery, by taking the Formula ſet down in the 3d Act of the Parliament, 1700, before the ſaid Death, ſhall be capable to be a Member of, or to Elect, or to be Elected to the firſt Meeting of the Eſtates of Parliament. 5 And likewiſe, That no Engliſhman or Foreigner having a *Scots* Title, and not having an Eſtate of Twelve Thouſand Pounds *Scots* Yearly Rent within this Kingdom, ſhall, in the Event aforeſaid, have Place and Vote in the ſaid Meeting of Eſtates.

6 Anne [illegible] this Act Repealed by [illegible] of Great Britain [illegible] 1707

And

2 And the ſaid Eſtates of Parliament, appointed in caſe of the Death aforeſaid, to continue or meet as above-mentioned, are hereby Authorized and Empowered to Act and Adminiſtrate the Government in manner after-mentioned; that is, Upon the Death of Her Majeſty leaving Heirs of her own Body, or failing thereof, Lawful Succeſſors deſigned and appointed by Her Majeſty and the Eſtates of Parliament, or upon the Death of any ſucceeding King or Queen leaving lawful Heirs, or Succeſſors as ſaid is, the ſaid Eſtates of Parliament are Authorized and Empowered, by themſelves, or ſuch as they ſhall Commiſſionate, to Read to the ſaid Heir or Succeſſor the *Claim of Right*, and deſire them to accept the Government in the Terms thereof, and then to require of, and adminiſtrate to the ſaid Heir or Succeſſor the *Coronation Oath*, and that with all convenient ſpeed, not exceeding thirty Days after the meeting of the ſaid Eſtates if the ſaid Heir or Succeſſor be within the Iſland of BRITAIN; and if out of the ſame, not exceeding three Months after the ſaid Meeting; in order to their exerciſing the Regal Power, according to the Declaration of the Eſtates, containing the *Claim of Right*. 2 As alſo, in caſe the ſaid Heir or Succeſſor ſhall be under Age, which as to the exerciſe of the Government is hereby declared to be, until their attaining to Seventeen Years compleat; to provide for, order and ſettle within the ſpace of ſixty Days after the ſaid Meeting, a Regencie for the Kingdom, until the ſaid Heir or Succeſſor take the *Coronation Oath*, and do actually enter into the Exerciſe of the Government: The Regent or Regents to be ſo appointed, having always the *Claim of Right* Read to Him or Them; and He, or They taking at His, or Their Entry, the *Coronation Oath*, and the ſaid Regent or Regents to continue for ſuch ſpace as the ſaid Eſtates ſhall appoint. 3 After the Entry of which Heir or Succeſſor to the Exerciſe of the Government in manner aforeſaid, or the ſetling the Regency in caſe of Under age: The ſaid Eſtates of Parliament ſhall only continue to ſit and Act for the ſpace of three Months, unleſs they be ſooner Lawfully Adjourned or Diſſolved by the ſaid Heir or Succeſſor being entred, or by the Regent or Regents Lawfully ſetled, as ſaid is.

3 And further, upon the Death of Her Majeſty without Heirs of [illegible] her

within 3 [illegible] 2 [illegible] 27 2 P. 33.
1704 [illegible] act of [illegible]
[illegible] 2 [illegible] 56
monday 1 oct 1705 [illegible]
[illegible] friday 24. D[illegible] 1705

her Body, or a Succeſſor Lawfully deſigned and appointed by Her Majeſty and Eſtates of Parliament, or in caſe of any other ſucceeding King or Queen's deceaſing without lawful Heir or Succeſſor; the foreſaid Eſtates of Parliament are hereby Authorized and Empowered to nominate and declare the Succeſſor to the Imperial Crown of this Realm, and to ſettle the Succeſſion thereof upon the Heirs of the ſaid Succeſſors Body; the ſaid Succeſſor, and the Heirs of the ſaid Succeſſors Body, being always of the *Royal Line of Scotland*, and of the *True* Proteſtant Religion. 7 ſhal

Providing always, that the ſame be not the Succeſſor to the Crown of *England*, unleſs that in this preſent Seſſion of Parliament, or any other Seſſion of this, or any enſuing Parliament, during Her Majeſties Reign, there be ſuch Conditions of Government ſettled and enacted, as may ſecure the Honour and Sovereignty of this Crown and Kingdom, the Freedom, Frequency and Power of Parliaments, the Religion, Liberty and Trade of the Nation; from *Engliſh*, or any Foreign Influence. With Power to the ſaid meeting of Eſtates, to add ſuch further Conditions of Government, as they ſhall think neceſſary, the ſame being conſiſtent with, and noways derogatory from theſe which ſhall be Enacted in this, or any other Seſſion of a Parliament, during Her Majeſties Reign. And further, without prejudice to the generality foreſaid, it is hereby Statuted, Enacted and Declared, That it ſhall not be in the Power of the ſaid Meeting of Eſtates to name the Succeſſor of the Crown of *England*, to be Succeſſor to the Imperial Crown of this Realm, nor ſhall the ſame Perſon be capable in any Event, to be King or Queen of both Realms, unleſs a free Communication of Trade, the freedom of Navigation, and the liberty of the Plantations, be fully agreed to, and Eſtabliſhed by the Parliament and Kingdom of *England*, to the Kingdom and Subjects of *Scotland*, at the ſight, and to the ſatisfaction of this, or any enſuing Parliament of *Scotland*, or the ſaid meeting of the Eſtates.

And it is hereby declar'd, That the ſaid Meeting of Eſtates ſhall not have power to Nominate the ſaid Succeſſor to the Crown of this Kingdom, in the Event above expreſs'd, during the firſt twenty Days after their Meeting; which twenty Days being elapſed, they ſhall proceed to make the ſaid Nomination with all convenient Diligence.

of David
20. 2
N 400
203
1. Anna 8
1 I N 3
29. 32. 33
43. 1
33:

Diligence. And it's hereby expreſly provided and declared, That 6 it ſhall be high Treaſon for any Perſon, or Perſons to adminiſter the *Coronation Oath*, or to be witneſs to the adminiſtration thereof, but by the appointment of the Eſtates of Parliament, or to own, or acknowledge any Perſon as King or Queen of this Realm, in the Events aforeſaid, until they have ſworn the *Coronation Oath*, and accepted the Crown in the terms of the *Claim of Right*, and of ſuch other Conditions of Government as ſhall be ſettled in this, or any enſuing Parliament, or added by the ſaid Meeting of Eſtates, and be thereupon declared and admitted: Which Crime ſhall be *irremiſſible*, without Conſent of Parliament.

6 And becauſe in the foreſaid Interval of twenty Days, betwixt the ſaid Death and Meeting of the Eſtates of Parliament; in caſe there be no Parliament Aſſembled for the time, it is neceſſary that the adminiſtration of the Government be provided for, in that Interim; therefore it is hereby declared, That in all, or any of the Events above-mentioned, the foreſaid adminiſtration ſhall be in the Hands of ſuch of the Members of the ſaid Eſtates of Parliament, and ſuch Members of the Privy Council laſt in being, as ſhall be at *Edinburgh* the time of the ſaid Death, or ſhall come to *Edinburgh* before the foreſaid Twentieth Day, and ſhall meet in the Parliament Houſe there: Which Members of the Eſtates, and the ſaid Members of the ſaid Privy Council, are hereby Empowered to ſit and Act in the ſaid Interim, for preſerving the Peace and Quiet of the Kingdom *Only*, and until the ſaid Meeting of the Eſtates, and no longer; thirty of the ſaid Members of the Eſtates and Members of the Privy Council being a *Quorum*, the plurality being always of the Eſtates who were not of the former Council.

7 And it is hereby further Statuted and Ordained, That all Commiſſions granted to the Officers of State, Lords of Treaſury and Exchequer, Preſident of the Privy Council, and all other Civil Commiſſions which are now granted during Pleaſure, ſhall, by the deceaſe of the King or Queen Reigning, become Null and Void, excepting Sheriffs, Stewards, and Juſtices of the Peace in their reſpective Bounds.

8 And for a further ſecurity to this Kingdom, Her Majeſty with Advice and Conſent foreſaid Statutes and Enacts, That the whole

Protestant

A repeal resolv'd by the parliament of Great Britain

1707

Proteſtant Heritors, and all the Burghs within this Kingdom ſhall forthwith provide themſelves with Fire-Arms, for all the fencible Men, who are Proteſtants, within their reſpective Bounds, and thoſe Arms to be of a bore proportioned to a Bullet of fourteen drop weight running: And the ſaid Heritors and Burghs are hereby Impowered and Ordained to Diſcipline and Exerciſe their ſaid fencible Men once in the Month at leaſt: The ſaid Heritors always taking the Oath of Allegiance and Aſſurance: As alſo ſuch Heritors or fenſible Men, who are ſuſpected of Popery, are hereby appointed when required to take the *Formula*, mentioned in the Act of Parliament 1700; before the Sherif of the Shire, or any other Judge, within whoſe Juriſdiction they reſide.

And it is hereby likewiſe Statuted and Ordained, That upon the Deceaſe of Her Majeſty, or any of Her Heirs or Succeſſors, the Commiſſions of all Officers of the ſtanding Forces, above a Captain, ſhall immediately become Void and Null; and that the Captains of the ſeveral Troops and Companies, and the Lieutenants of thoſe that have belonged to the Colonels, Lieutenant-Colonels, and Majors, do continue to Command their Reſpective Troops and Companies, without extending their Command any further under pain of Treaſon, till further Orders from the ſaid Eſtates or Committee in the Interval.

And Her Majeſty, with Advice and Conſent foreſaid, Requires and Ordains all Officers and Soldiers, which ſhall happen to be on daily Pay, at the time of the Deceaſe foreſaid, to continue in, or immediately to repair to their reſpective Garriſons, or Quarters, and not to remove from thence, but by Order of the Eſtates or Committee above-mentioned, upon pain of Treaſon.

And laſtly, Her Majeſty, with Advice and Conſent foreſaid, Reſcinds, Caſſes and Annulls, the Seventeenth *Act* of the Seſſion of the Parliament, One Thouſand Six Hundred and Nintey ſix Years, and all other Laws and Acts of Parliament, in ſo far as they are inconſiſtent with this *Act*. 3 [illegible] 6 A [illegible] of Lords &c

[illegible] monday 31 may 1703 [illegible]

391 [illegible]

FINIS.

Anna. 2.

REMARKS.

THis is the Act, which has given ſo much occaſion for univerſal Diſcourſe and Reflection. Nothing ever was done in that Kingdom with more Maturity or Application. The greateſt part of the time ſince the beginning of this long Seſſion has been ſpent in framing it. The firſt Draught was given in by the Marquis of Athol: *Several Clauſes were propoſed by others; of which ſome were added and ſome rejected, after a full Debate and Deliberation: And at laſt, on the thirteenth of this Month, the whole, as it is in this form, was Voted and paſt, by a Majority of fifty nine Votes.*

This very great Majority in Parliament, and the Univerſal Joy that's expreſs'd in the whole Kingdom for it's paſſing, ſufficiently proves it to be the ſenſe of the Nation: And the Zeal without doors did not a little animate thoſe within. Nor is there any ſhadow of Ground to ſuſpect Corruption, conſidering the Quality and Eſtates of thoſe who were for it, with other important Reaſons, which I forbear to mention.

No Nation in the World has been in more Eminent Dangers, nor nearer to the brink of Ruine in all humane Appearance, than Scotland *has been; and yet a Providence peculiar to its Fate, has always ſo miraculouſly ſav'd it, that neither the Mutability of Humane Affairs, and the common Mortality of States, nor all the Craft and Power of its Enemies, were ever able to ſink it: And the Race of its Kings, which is the moſt Ancient, the Cleareſt, the moſt Untainted that's known in the Univerſe, has been ſo viſibly the Care of Heaven, that in all its Ecclipſes it always roſe and ſhone out again with the greater Force and Splendor.*

Whenever the Nation was United among themſelves, and reflected on the Spirit and Honour of their Anceſtors, Heaven did always inſpire them with that Vigour, that ſurmounted all Difficulties, and the ſame Unity and Noble Emulation will never fail to produce the ſame Effects.

The ſhameful decay of their Strength and Reputation for a Hundred Years by gone, is ſuch an Enchanted Diſeaſe as is commonly attributed to the Power of Witches: By an inſenſible Conſuming of an Image of Wax, the bewitch[illegible] is reduced to a Skelet, without knowing what it is that hurts it. But [illegible] of that Nation begins to be ſenſible of the Enchantment, neither th[illegible] the Devil are half ſo formidable.